

**Notice of Allowability**

Application No.

09/680,923

Examiner

Susanna M. Diaz

Applicant(s)

BECHHOFFER ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's Amendment agreed to on May 14, 2007.
2. ☒ The allowed claim(s) is/are 2-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

SUSANNA M. DIAZ  
PRIMARY EXAMINER

AU 3694

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Marcin (Reg. No. 48,198) on March 14, 2007.

The application has been amended as follows:

*Please cancel claims 16-20.*

*Please amend claims 10 and 15 as follows:*

Claim 10, last line, insert – , wherein the potential monetary impact is a function of one of earnings before interest and taxes ("EBIT"), operating cost savings and market share gains – after "second input means"

Claim 15, last line, insert – and wherein the potential monetary impact is a function of one of earnings before interest and taxes ("EBIT"), operating cost savings and market share gains – after "one of frequency and probability"

### ***Reasons for Allowance***

2. Claims 2-15 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Daniell ("Strategy and Volatility: Risk and Global Strategic Challenge") discloses the concept of evaluating the potential impact of risks and opportunities on a business entity and the likelihood that each will occur. Daniell does not expressly teach that this evaluation is repeated at multiple, predetermined times nor that the impact is measured in monetary terms. Additionally, Daniell does not expressly disclose that potential monetary impact is a function of one of earnings before interest and taxes ("EBIT"), operating cost savings and market share gains. However, Barton (US 2002/0059093) discusses risk in terms of a monetary impact (§ 72) while Buddle (U.S. Patent No. 6,912,502) recommends evaluating risk scores periodically ("e.g., monthly, quarterly, semi-annually, annually, or for any period of time"), as seen in col. 9, lines 40-44. Furthermore, while the Examiner maintains that measuring monetary impact as a function of one of earnings before interest and taxes ("EBIT"), operating cost savings and market share gains is generally old and well-known in the art of risk and finance analysis, the Examiner submits that the combination of all of these limitations in one unified system/method/computer program product for projecting the future condition of a business entity is not fully taught or suggested by the prior art of record. Therefore, claims 2-15 are deemed to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Risen, Jr. et al. (U.S. Patent No. 6,018,714) – Discusses risk associated with potential insurance losses.

Ushijima et al. (JP 07-319970) – Creates a business plan, taking into account knowledge of business risk.

Motta et al. ("Investment and Risk Analysis Applied to the Petroleum Industry") – Utilizes expected monetary value analysis to assess risk.

Park et al. ("Exploiting Uncertainty – Investment Opportunities as Real Options: A New Way of Thinking in Engineering Economics") – Discusses expected monetary value, risk, and opportunity analysis.

Schuyler et al. ("Simulation Demonstrates Economics of Minnelusa Polymer Floods") – Discusses a risk model with monetary values taken into account.

Mudford ("Valuing and Comparing Oil and Gas Opportunities: A Comparison of Decision Tree and Simulation Methodologies") – Utilizes expected monetary value analysis to assess risk.

Wood ("Integrated Approach to Property Evaluation Improves Decision-Making for Both Parties") – Utilizes expected monetary value analysis to assess risk.

Schuyler ("Modeling an Exploration Program: Insensitivity to Prospect Ranking Criteria") – Utilizes expected monetary value analysis to assess risk.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz  
Primary Examiner  
Art Unit 3694

May 14, 2007